



TS00-903

Application no. 10/082,024

2856

October 8, 2003

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7.00 p.m.
10-10-03

TO: Commissioner of Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Attn: Art Unit 2856 - Examiner Noland, Thomas

FROM: George O. Saile, Reg. No. 19,572
28 Davis Avenue
Poughkeepsie, N.Y. 12603

SUBJECT: Serial #: 10/082,024
File Date: Feb. 21, 2002
Inventor: Chung-Ju Hsieh, et al.
Examiner: Noland, Thomas
Art Unit: 2856
Title: Real-Time Detection Mechanism with Self-Calibrated Steps for the Hardware Baseline to Detect the Malfunction of Liquid Vaporization System in AMAT TEOS-Based DXZ Chamber

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RESPONSE TO RESTRICTION REQUIREMENT

Dear Sir:

This is in response to the Restriction Requirement in the Office Action dated Sept. 8, 2003. In that office action, restriction was required to one of the following Inventions under

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner of Patents P.O. Box 1450, Alexandria, VA 22313-1450 on Oct. 8, 2003.

Signature

Stephen B. Ackerman, Reg. No. 37,761

Date: Oct. 8, 2003

35 U.S.C. 121:

The inventions stated are:

I - Claims 1-21, drawn to a method of self-calibrating and testing the vaporized flow of a liquid precursor in a thin film vaporization system, classified in class 73, subclass 1.36, and

II - Claims 22-31, drawn to a method of self calibrating a thin film vaporization system and depositing thin film on a substrate placed in a deposition chamber, classified in class 438, subclass 5.

Applicant provisionally elects to be examined the Invention described by the Examiner as Group I. - Claims 1-21 drawn to a process classified in Class 73, subclass 1.36. This election is made with traverse of the requirement under 37 C.F.R. 1.143 for the reasons given in the following paragraphs.

The Examiner is respectfully requested to reconsider the Requirement for Restriction in the Office Action.

The Examiner states that Inventions I and II are related as combination and subcombination, and gives as the reasons for distinctness that (1) the combination as claimed does not require the particulars of the subcombination as claimed for patentability,

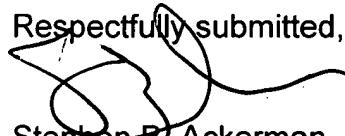
and (2) that the subcombination has utility by itself or in other combinations. (M.P.E.P. □ 806.05(c)). However, upon reading the Invention II Claims against the Claims of Invention I, it can be seen that Invention II is drawn to a method of self-calibrating a thin film vaporization system and depositing a thin film, while Invention I is drawn to a method of self-calibrating a thin film vaporization system and testing the vaporized flow of a liquid precursor. As such, the field of search must necessarily cover both the Group I class/subclass 73/1.36 and the Group II class/subclass 438/5, in addition to other related Classes and subclasses to provide a complete and adequate search. The fields of search for the Group I and Group II inventions are clearly and necessarily co-extensive. The Examiner's suggestion that "in the instant case, the combination as claimed does not require the particulars of the subcombination as claimed because it does not require the use of 1st, 2nd, 3rd and 4th timings as in Group I, etc." is speculative and has nothing to do with the Claims as presented in this patent application.

Further, it is respectfully suggested that these reasons are insufficient to place the additional cost of additional Patent Applications upon the Applicants. Therefore, it is respectfully requested that the Examiner withdraw this restriction requirement for these reasons.

Withdrawal of the Restriction Requirement, and allowance of the present Patent Application, is respectfully requested.

It is requested that should there be any problems with this response, please call the undersigned Attorney at (845) 452-5863.

Respectfully submitted,


Stephen B. Ackerman, Reg. No. 37,761